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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/429,935	10/29/1999	AKIYA SHICHIJYO	PM-264103	6543

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EXAMINER

GONZALEZ, JULIO C

ART UNIT

PAPER NUMBER

2834

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/429,935	SHICHIJYO, AKIYA
	Examiner Julio C. Gonzalez	Art Unit 2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 21 October 2002.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,2,4-9,11-17 and 19-25 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,2,4-9,11-17 and 19-25 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 29 October 1999 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>17</u> .	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 21, line 6, does the word “par” meant to disclosed the average of the stator winding or was the word meant to disclose a “pair” of stator winding?

### ***Double Patenting***

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claim 21 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of copending Application No. 09/985826. Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications disclosed a rectifier for an ac generator, a rotor, three phase winding, input terminals, first and second lead wires connected to two rectifiers (claim 1).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

5. Claim 21 is directed to an invention not patentably distinct from claims 1-8 of commonly assigned application 09/985826. Specifically, both applications disclosed a rectifier for an ac generator, a rotor, three phase winding, input terminals, first and second lead wires connected to two rectifiers (claim 1).

6. Claim 21 is provisionally rejected under 35 U.S.C. 103(a) as being obvious over copending Application No. 09/985826 which has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the copending application, it would constitute prior art under 35 U.S.C. 102(e) if published or patented. This provisional rejection under 35 U.S.C. 103(a) is based

upon a presumption of future publication or patenting of the conflicting application. Both applications disclosed a rectifier for an ac generator, a rotor, three phase winding, input terminals, first and second lead wires connected to two rectifiers (claim 1).

This provisional rejection might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the copending application was derived from the inventor of this application and is thus not the invention “by another,” or by a showing of a date of invention for the instant application prior to the effective U.S. filing date of the copending application under 37 CFR 1.131. For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(l)(1) and § 706.02(l)(2).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 4-9, 11-17 and 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Umeda et al in view of Ooiwa et al, Yoshida et al and Hideyuki (JP 404026346A).

Umeda et al discloses a shaft 6; a stator 2 having multi-phase stator winding 2 which has output for respective phase voltages; ac generator 1, a cooling fan 11, a rotor 3 and multi-phase stator winding 2 comprising a plurality of three-phase winding which are different in phase (see figure 18). Also, Umeda et al discloses a rectifier unit 5 which comprises a plurality of three-phase rectifiers (see figure 18) and stator winding 2 comprises a first star-connected three-phase winding and a second star-connected three-phase winding.

However, Umeda et al does not disclose output lead wires being used for the stator and fin parts in the ac generator.

On the other hand, Ooiwa et al discloses, for the purpose of improving the cooling performance in an ac generator, a rectifier unit 5 having input terminal connected to output lead wires which further comprises a terminal member 513 for holding the output lead wires. Also, the device having at least two output lead wires to be respectively connected to input terminal (see figure 5 and 6) and the rectifier unit 5 comprises a common positive cooling fin 501 and a common negative fin 503 (column 2, lines 23-27). Moreover the device has three lead wires each of which has a bundle of said output lead wires respectively extending from the pair of three-phase windings (see figure 5 and 6). Ooiwa et al shows a frame with a wall which supports the stator on one side and the rectifier on another (see figure 1). Also, a plurality of input terminals positioned at the rectifier unit and the input terminal extending from the rectifier (see figure 3) and the rectifier has a plurality of diodes. Ooiwa discloses inherently the wire holes since the wire leads are between a clearance of the small and larger fins (column 3, lines 1-6) and also since the wire leads are used for making an electrical connection in the alternator However, neither Umeda nor Ooiwa disclose explicitly the use of holes lead connections.

On the other hand, Yoshida et al discloses for the purpose of reducing breakage within a rectifier, terminal 58 which are designed as terminal connections with holes.

However, neither Umeda et al, Ooiwa et al nor Yoshida et al disclose having terminal having a columnar terminal member for holding two output lead wires.

On the other hand, Hideyuki discloses for the purpose to avoid local concentration of heat and improved the cooling efficiency of diodes, a columnar member 22 having two output lead wires connections 22a, rectifier 10 with a negative side 12 and positive side 11 (see figures 2, 5, 6 and 7).

It would have been obvious to one having ordinary skill in the art to design an ac generator as disclosed by Umeda et al and to include a positive and negative fin and terminal members with lead connections each of which has a bundle for the purpose to improve the cooling performance of an ac generator as disclosed by Ooiwa et al and to make terminal holes for the purpose of reducing breakage within a rectifier as disclosed by Yoshida et al and to use a columnar member for the purpose to avoid local concentration of heat and improved the cooling efficiency of diodes as disclosed by Hideyuki.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1, 2, 4-9, 11-17 and 19-25 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio C. Gonzalez whose telephone number is (703) 305-1563. The examiner can normally be reached on M-F (8AM-5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-1341 for regular communications and (703) 305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



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Jcg

December 31, 2002